Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006

Message Text

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PAGE 01 STATE 051642

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E.O. 11652: N/A

TAGS: ELTN, CA

SUBJECT: PROPOSED ADDITIONAL ST. CLAIR RIVER INTERNATIONAL BRIDGE

REFS: A) OTTAWA 127; B) OTTAWA 589

1. PARA 2 REF A ASKED FOR PRELIMINARY VIEWS OF WASHINGTON AGENCIES AS TO WHAT INTERNATIONAL AGREEMENTS, IF ANY, MIGHT BE REQUIRED IN CONNECTION WITH PROPOSED CONSTRUCTION OF SECOND SPAN OVER THE ST. CLAIR RIVER.

2. UNDER THE INTERNATIONAL BRIDGES ACT OF 1972, CONGRESS GRANTED CONSENT FOR THE CONSTRUCTION, OPERATION AND MAINTENANCE OF INTERNATIONAL BRIDGES BETWEEN THE US AND CANADA IN ACCORDANCE WITH CERTAIN PROVISIONS AND CONDITIONAL ON THE APPROVAL OF THE SECRETARY OF STATE. WE THEREFORE ANTICIPATE THAT NO AGREEMENT BETWEEN THE US AND CANADIAN GOVERNMENTS WOULD BE REQUIRED IN CONNECTION WITH THE PROPOSED NEW SPAN. HOWEVER, ANY AGREEMENTS BETWEEN THE BLUE
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PAGE 02 STATE 051642

WATER BRIDGE COMMISSION AND THE PARALLEL MICHIGAN STATE

Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006

Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006

AUTHORITY WOULD REQUIRE PRIOR APPROVAL BY THE SECRETARY OF STATE UNDER SECTION 3 OF THE INTERNATIONAL BRIDGES ACT OF 1972.

3. THE GENERAL COUNSEL'S OFFICE OF THE FEDERAL HIGHWAY ADMINISTRATION (FHWA) ADVISES THAT FEDERAL FUNDS WERE USED IN THE CONSTRUCTION OF THE EXISTING ST. CLAIR RIVER BRIDGE, AND THUS THE EXISTING AGREEMENT BETWEEN THE MICHIGAN AND CANADIAN AUTHORITIES (OR A NEW AGREEMENT WITH THE SAME PROVISIONS) WOULD MEET FHWA REQUIREMENTS. THERE WOULD, OF COURSE, BE A REQUIREMENT FOR AN AGREEMENT BETWEEN FHWA AND THE STATE OF MICHIGAN, AS THERE IS IN ANY HIGHWAY CONSTRUCTION PROJECT WHICH INVOLVES FEDERAL FUNDS. IN ADDITION, A SECOND FHWA/MICHIGAN AGREEMENT WOULD PROBABLY BE REQUIRED ON THE SUBJECT OF TOLLS. IN ANY CASE, FHWA'S PRELIMINARY CONCLUSION IS THAT IT HAS NO REQUIREMENT FOR AN AGREEMENT INVOLVING ANY CANADIAN AUTHORITIES.

4. WE ARE PLEASED THAT THE MEETING BETWEEN MICHIGAN AND CANADIAN OFFICIALS IS NOW FIRMLY SCHEDULED FOR MARCH 11. IN ADDITION TO DAVID MERCHANT, FHWA REGIONAL ENGINEER FROM MICHIGAN (SEE PARA 3 REF B), FHWA OFFICIALS LESTER HERR AND BRIAN WILLIFORD WILL ALSO BE ATTENDING AND WOULD APPRECIATE RESERVATIONS AT THE LORD ELGIN. THEY WILL BE ARRIVING MID-AFTERNOON MARCH 10 AND HOPE TO CONSULT WITH MICHIGAN OFFICIALS THAT DAY. KISSINGER

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